

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IRONBURG INVENTIONS LTD. a  
United Kingdom Limited Company,

Plaintiff,

vs.

VALVE CORPORATION, a  
Washington Corporation,

Defendant.

Civil Action No.

1:15-cv-04219-TWT

**PLAINTIFF IRONBURG INVENTIONS LTD.'S RESPONSIVE CLAIM  
CONSTRUCTION BRIEF**

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## **I. INTRODUCTION**

The claim constructions advanced by Plaintiff “Ironburg” are mandated by the intrinsic record, including especially the specification and claims. In contrast, Defendant seeks to use expert testimony to create definitional issues that are clearly at odds with the claim constructions mandated by the intrinsic evidence. This is clearly improper under the law, as discussed below. When properly construed, the asserted terms clearly delineate the bounds of claim scope and thus are not indefinite.

## **II. STATEMENT OF THE LAW.**

### **A. Claim Construction**

Claim construction is an issue “exclusively within the province of the court.” *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 372, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996). In construing a claim term, we must look at the term’s “ordinary meaning in the context of the written description and the prosecution history.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed.Cir. 2005) (en banc). While extrinsic evidence “can shed useful light on the relevant art,” the Federal Circuit has explained that it is “less significant than the intrinsic record in determining ‘the legally operative meaning of claim language.’” *C.R. Bard, Inc. v. U.S. Surgical Corp.*, 388 F.3d 858, 862 (Fed. Cir. 2004).

Expert testimony can be helpful, for example “to provide background on the technology at issue, to explain how an invention works, to ensure that the court’s

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